

AFFIDAVIT OF BERNARD P. O'ROURKE

I, Bernard P. O'Rourke, do hereby depose and state as follows:

1. I have been employed by the Boston Police Department for over 26 years. I presently hold the civil service rank of Captain and have been assigned as the Commander of District Station Area A-1 for over four years.
2. Area A-1 is geographically made up downtown, Chinatown and Beacon Hill, and includes the Fleet Center.
3. The City of Boston requires permits for all parades and demonstrations for the purposes of guaranteeing a high level of public safety for an event in which a large turnout is expected. ANSWER requested a permit to conduct a parade on Causeway Street during the Democratic National Convention (DNC). The City of Boston denied the request based on legitimate security concerns.
4. As the Commander of Area A-1, I am responsible for the oversight of all parades, marches, and demonstrations conducted within Area A-1. It is my duty to evaluate safety issues considering the needs of businesses in the community and the public in general and to balance that with the needs of those seeking to a permit to conduct a parade.
5. The DNC has been deemed a "National Special Security Event." As such, special precautions and safety measures as required by the United States Secret Service (Secret Service) have been employed to secure the area in and around the Fleet Center. The Department is responsible for securing the area outside of the Fleet Center.
6. The Department conferred with other federal, state and local law enforcement agencies, including the Secret Service, and established a security plan for the DNC.
7. As part of the security plan, the area in and around the Fleet Center has been divided into a "hard zone" and "soft zone." Only those who receive a security clearance and present credentials issued by the Secret Service or have a ticket are allowed into the hard zone, which includes the inside of the Fleet Center and the area immediately surrounding the Fleet Center.
8. The perimeter of the hard zone will be established by the placement of a security fence, scheduled to be erected on Friday, July 23, 2004. The fence will be covered with a fabric scrim which prevents those outside of the hard zone from viewing those inside the hard zone. The fence will be placed against the curbing on the (south) side Causeway Street, enclosing all lanes of travel on the street into the hard zone. This security measure has been established in case of a need for fire trucks to move in the event of an emergency. The sidewalk in front of the businesses on Causeway Street has been built

out to twenty feet from building edge to curb, and is the only space on Causeway Street outside of the hard zone. As a result, only pedestrian traffic will be allowed on Causeway Street.

9. The soft zone the area surrounding the hard zone, that is closed off to vehicular traffic, but completely open to pedestrians. This area is the property known as the "Bulfinch Triangle" which is bounded by Causeway Street to Merrimac Street to Causeway Street.

10. The Department will erect a chain link fence around the perimeter of the soft zone to ensure that no vehicles are able to enter the soft zone. The fence will also prevent pedestrians from entering the soft zone are if an emergency arises.

11. Within the soft zone along Causeway Street there are a number of businesses and licensed premises that will remain open during the week of the convention, which will attract delegates and others associated with the DNC as well as the general public.

12. There is a strong safety need to keep Causeway Street clear as an additional means to evacuate the Fleet Center should an incident arise that requires that the thousands of participants in the Fleet Center evacuate. Due to the tight space availability, this area must be left accessible for emergency ingress and egress.

13. During the DNC, up to 20,000 people will be inside the Fleet Center each day. In addition, the media center will house approximately several thousand national and international journalists. The businesses on Causeway Street across from the Fleet Center can hold up to an additional 2,000 people. In the event of an emergency requiring an evacuation of the area, any efforts to expedite such an evacuation would be seriously hindered with the addition of a parade on Causeway Street. The City cannot accommodate an organized parade on Causeway Street due to these legitimate public safety concerns.

SIGNED THIS 20<sup>th</sup> DAY OF JULY 2004, UNDER THE PENALTIES OF PERJURY.

/s/ Bernard P. O'Rourke  
Bernard P. O' Rourke